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FILED

JAN 28 2016

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY *JS*
DEPUTY CLERK

8 UNITED STATES DISTRICT COURT FOR THE
9 EASTERN DISTRICT OF CALIFORNIA

10
11 PIT RIVER TRIBE; NATIVE COALITION
FOR MEDICINE LAKE HIGHLANDS
12 DEFENSE; MOUNT SHASTA
BIOREGIONAL ECOLOGY CENTER;
13 SAVE MEDICINE LAKE COALITION; and
MEDICINE LAKE CITIZENS FOR
14 QUALITY ENVIRONMENT,

15 Plaintiffs,

16 v.

17 BUREAU OF LAND MANAGEMENT;
UNITED STATES DEPARTMENT OF
18 THE INTERIOR; UNITED STATES
FOREST SERVICE; UNITED STATES
19 DEPARTMENT OF AGRICULTURE; and
CALPINE CORPORATION,

20 Defendants.

21 Consolidated Cases

22 No. CIV. 2:04-00956-JAM-JFM
No. CIV. 2:04-00969-JAM-JFM

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**REQUEST FOR PERMISSION TO FILE
OVERLENGTH MEMORANDUM IN
SUPPORT OF PLAINTIFFS' SUMMARY
JUDGMENT MOTION; ORDER**

1 TO ALL DEFENDANTS AND THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE that Plaintiffs hereby seek the Court's permission to file an opening
3 memorandum of law in support of Plaintiffs' summary judgment motion in excess of twenty-five (25)
4 pages provided by the Court's Standing Order. Specifically, Plaintiffs seek leave to file an opening
5 memorandum of not more than thirty-five (35) pages. Plaintiffs have provided Defendants with advance
6 notice of this request, which is based on the following Application and the pleadings and other
7 documents or records filed in this matter.

8

9 **APPLICATION**

10 Plaintiffs respectfully request leave to file an overlength opening memorandum of law in support
11 of their summary judgment motion for three reasons. First, as part of a tentative negotiated briefing
12 schedule, the parties have stipulated, subject to the Court's permission, to forego the separate filing of a
13 Statement of Undisputed Facts. Thus, the memorandum will contain a fully developed factual
14 background with citations to the lengthy Administrative Record in lieu of the separate statement of facts.
15 Second, the motion will seek judgment on all remaining issues and claims in this matter, obviating the
16 need for trial. The parties have agreed, again subject to the Court's approval, that Plaintiffs' summary
17 judgment motion will resolve this case in its entirety. Third, to adequately brief these claims, the
18 memorandum will address complicated issues, including the extensive history of the 1998 decision as to
19 twenty-six (26) leases, the applicable laws and regulations (which have been amended several times),
20 the contours of the unit agreement, and the record facts surrounding the 1998 decision.

21
22 Although the parties have tentatively stipulated to a briefing schedule, they have not been able to
23 reach agreement on the issue of brief length. Accordingly, before filing the stipulation and proposed
24 order, Plaintiffs seek the Court's permission for an overlength opening memorandum. If the Court
25

1 grants this request, Plaintiffs are prepared to file the stipulated schedule and proposed order immediately
2 thereafter.

3 For the foregoing reasons, Plaintiffs request leave to file an opening memorandum of not more
4 than thirty-five (35) pages.

5 Dated: January 27, 2016

6 Respectfully submitted,
7 ENVIRONMENTAL LAW CLINIC
Mills Legal Clinic at Stanford Law School

8 By: /s/ Deborah A. Sivas
Deborah A. Sivas

9 Attorneys for Plaintiffs PIT RIVER TRIBE; NATIVE
10 COALITION FOR MEDICINE LAKE HIGHLANDS DEFENSE;
11 MOUNT SHASTA BIOREGIONAL ECOLOGY CENTER;
SAVE MEDICINE LAKE COALITION; and MEDICINE LAKE
CITIZENS FOR QUALITY ENVIRONMENT

13 *Jam* ORDER

14 Good cause appearing therefor, ~~Petitioners~~ *Plaintiffs'* *ex parte* application to file an overlength opening
15 memorandum in support of its summary judgment motion of not more than ~~thirty-five (35)~~ *thirty (30)* pages is
16 hereby GRANTED. *Plaintiffs are ordered to file a statement of undisputed facts
along with their opening brief in compliance with
Local Rule 260.*

17 IT IS SO ORDERED.

18 DATED: 1-28-2016

19 By: J. M. Menden
20 United States District Judge